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TO RUEHC/SECSTATE WASHDC PRIORITY 8564
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1722
RUEHNE/AMEMBASSY NEW DELHI 5200
RUEHUL/AMEMBASSY SEOUL 8796
RUEHKO/AMEMBASSY TOKYO 6368
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4213
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2194
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L RANGOON 000037

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

E.O. 12958: DECL: 01/20/2019

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA: MORE LAWYERS ARRESTED

REF: 08 RANGOON 873

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

Summary

11. (C) Authorities arrested two activist lawyers on January 15 and 16. Attorney Pho Phyu was detained on January 15 after representing farmers who reported labor-rights violations to the International Labor Organization (ILO). In 2008, the ILO filed a formal complaint on behalf of Pho Phyu's clients, and the organization is looking into his arrest to determine if there is a labor nexus. Human rights lawyer San Maung is free on bail after he was charged on January 16 with confronting a Bago immigration official over the issuance of a registration form to a local monk.

Labor Lawyer Detained

12. (C) Detained opposition lawyer U Aung Thein's office reported that on January 15, officials in Magwe Division detained activist lawyer Pho Phyu as he boarded a bus to return to Rangoon. According to our contacts, Pho Phyu had represented a group of farmers in Aunglan Township whose land had been confiscated by the Burma Army. So far, the regime has not released any information about Pho Phyu's arrest, including whether he has been charged with anything.

13. (C) ILO Liaison Officer Steve Marshall told us that Pho Phyu represented four local farmers and one labor activist who were arrested in 2008 after the ILO lodged a formal complaint against the GOB. Marshall informed us that the original ILO complaint, based on reports from over 50 local farmers, alleged that the Burma Army had forced farmers in Aunglan Township to work on unlawfully confiscated land. According to Marshall, three of the five detainees were eventually released after the ILO conducted an investigation with a senior official from the Ministry of Labor. However, two of the detainees remain in custody on charges of violating the Official Secrets Act for allegedly providing the Democratic Voice of Burma (DVB) with video of secure army facilities. In fact, Marshall said, the video DVB aired showed bamboo and thatched huts the army had erected on the confiscated farmland, not sensitive government facilities. Marshall informed us that the ILO is looking into Pho Phyu's

arrest and will formally pursue the matter if it finds the lawyer's arrest was related to his representation of these labor activists.

Activist Lawyer Charged

¶4. (C) Bago Division NLD official Myat Hla confirmed media reports that on January 16 officials charged attorney San Maung with "using criminal force to deter a public official from discharging his duties." According to Myat Hla, the charges stem from a recent incident in which San Maung berated a Bago immigration official for not immediately issuing a registration form to a local monk. Bago Police officials charged San Maung under Section 353 of the Penal Code after the immigration office complained. According to the media, San Maung is free on bail pending his trial.

Three Other Opposition Lawyers Remain in Jail, One in Exile

¶5. (C) In November 2008, four defense lawyers representing political prisoners were sentenced to between four and six months' imprisonment for contempt of court after they objected to the lack of due process in their clients' cases. Nyi Nyi Htwe, Aung Thein, and Khin Maung Shein remain in prison pending the completion of their sentence. The fourth lawyer, Saw Kyaw Kyaw Min, fled and is reportedly in Thailand (reftel).

DINGER